



Vulnerable Witnesses (Scotland) Act 2004

2004 asp 3

PART 1

CRIMINAL PROCEEDINGS

Prohibition of personal conduct of defence in cases involving vulnerable witnesses

- 7 Special pre-trial procedures for ascertaining in such cases whether accused has engaged a solicitor**
- (1) In section 71 (first diet) of the 1995 Act—
- (a) in subsection (A1)—
 - (i) after “diet” there is inserted “in proceedings to which subsection (B1) below applies”,
 - (ii) the words from “where” to “applies” are repealed, and
 - (iii) for “he” substitute “the accused”,
 - (b) after that subsection there is inserted—

“(B1) This subsection applies to proceedings—

 - (a) in which the accused is charged with a sexual offence to which section 288C of this Act applies,
 - (b) to which section 288E of this Act applies, or
 - (c) in which an order under section 288F(2) of this Act has been made before the trial diet.”,
 - (c) in subsection (5A), for paragraph (a) there is substituted—

“(a) the proceedings in which the first diet is being held are proceedings to which subsection (B1) above applies;”.
- (2) In section 71A (further pre-trial diet in sheriff court solemn proceedings: dismissal or withdrawal of solicitor representing accused in case of sexual offence) of the 1995 Act, in subsection (1)(a), for the words “charged with a sexual offence to which section 288C” there is substituted “in proceedings to which subsection (B1) of section 71”.
- (3) In section 72A (pre-trial diet in High Court proceedings: inquiry about legal representation of accused in cases of sexual offences) of the 1995 Act—

Status: This is the original version (as it was originally enacted).

- (a) in subsection (1), for the words from the beginning to “Act” there is substituted “In proceedings to which this section”,
- (b) after that subsection there is inserted—
 - “(1A) This section applies to proceedings in the High Court—
 - (a) in which the accused is charged with a sexual offence to which section 288C of this Act applies,
 - (b) to which section 288E of this Act applies, or
 - (c) in which an order under section 288F(2) of this Act has been made before the trial diet.”.